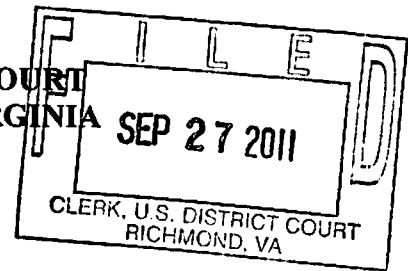


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



KEVIN BALSLY,

Plaintiff,

v.

CIVIL ACTION NO.: 3:11CV642
TRIAL BY JURY DEMANDED

WEST MICHIGAN DEBT COLLECTIONS, INC,

SERVE: Secretary of the Commonwealth
1111 East Broad Street, 4th Floor
Richmond, Virginia 23219

and

STEVEN E. BRATSCHIE & ASSOCIATES, P.C.,

SERVE: Secretary of the Commonwealth
1111 East Broad Street, 4th Floor
Richmond, Virginia 23219

and

STEVEN E. BRATSCHIE,

SERVE: Secretary of the Commonwealth
1111 East Broad Street, 4th Floor
Richmond, Virginia 23219

and

MICHELE BORN-FISCHER,

SERVE: Secretary of the Commonwealth
1111 East Broad Street, 4th Floor
Richmond, Virginia 23219

Defendants.

COMPLAINT

PRELIMINARY STATEMENT

1. This is an action for actual, statutory and punitive damages, costs and attorney's fees brought pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. ("FDCPA").

JURISDICTION AND VENUE

2. This court has federal question jurisdiction under the FDCPA, 15 U.S.C. §1692k(d), and 28 U.S.C. §§1331, 1337. Venue is proper as the Plaintiff resides in the Eastern District of Virginia, Richmond Division, and the transactions and occurrences which give rise to this action occurred in the Eastern District of Virginia

Parties

3. The Plaintiff is a natural person residing in Hayes, Virginia and is a consumer within the meaning of the FDCPA.
4. West Michigan Debt Collections, Inc, ("WMD Collections") is a foreign corporation operating as a debt collector and doing business in the Commonwealth of Virginia.
5. STEVEN E. BRATSCHIE & ASSOCIATES, P.C., ("SB&A") is a foreign corporation operating as a debt collector, collecting debts in the Commonwealth of Virginia.
6. STEVEN E. BRATSCHIE ("Bratschie") is a debt collector and employee of Defendant SB&A, collecting debts in the Commonwealth of Virginia.
7. MICHELE BORN-FISCHER ("Born-Fischer") is a debt collector and employee of SB&A, collecting debts in the Commonwealth of Virginia.

FACTS

8. In the year 2000, Plaintiff bought a piece of jewelry on credit from the predecessor to WMD Collections ("the account"); the purchase and finance of this piece of jewelry

occurred in Newport News, Virginia.

9. Upon information and belief, the last payment made by the Plaintiff on the account was prior to October of 2004.
10. Prior to March 9, 2011, the Defendant, WMD Collections, hired the Defendants, SB&A, Bratschie and Born-Fisher to collect an alleged debt ("alleged debt") from Kevin Balsly.
11. The alleged debt was time-barred under the Michigan statute of limitations for the sale of goods when, on or after October 4, 2010, the Defendants filed a state court lawsuit against the Plaintiff in Tecumseh, Michigan ("the collection lawsuit").
12. The Plaintiff did not reside in Tecumseh, Michigan, when the lawsuit was filed.
13. Defendants discovered that Plaintiff actually resided in the Commonwealth of Virginia and instead of dismissing the collection lawsuit filed in Tecumseh, Michigan, the Defendants proceeded with the collection lawsuit in Michigan, and obtained a default Judgment in the collection lawsuit.
14. Defendants sued the Plaintiff, willfully and knowingly, in the wrong venue in violation of the FDCPA, 15 U.S.C. §1692i.
15. Defendants filed a time-barred lawsuit against the Defendant in violation of the FDCPA.

COUNT ONE: VIOLATION OF THE FDCPA
(West Michigan Debt Collections, Inc.)

16. Plaintiff realleges and incorporates paragraphs 1-15 above as if fully set out herein.
17. At all times relevant, WMD Collections – in the ordinary course of its business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
18. WMD Collections is a "debt collector" under the FDCPA, 15 U.S.C. §1692a(6).
19. WMD Collections' foregoing acts in attempting to collect this alleged debt against

Plaintiff constitute violations of the FDCPA.

20. Plaintiff has suffered actual damages as a result of WMD Collections' violations of the FDCPA.

COUNT TWO: VIOLATION OF THE FDCPA
(Steven E. Bratschie & Associates, P.C.)

21. Plaintiff realleges and incorporates paragraphs 1-20 above as if fully set out herein.
22. At all times relevant, SB&A – in the ordinary course of its business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
23. SB&A is a "debt collector" under the FDCPA, 15 U.S.C. §1692a(6).
24. SB&A's foregoing acts in attempting to collect this alleged debt against Plaintiff constitute violations of the FDCPA.
25. Plaintiff has suffered actual damages as a result of SB&A's violations of the FDCPA.

COUNT THREE: VIOLATION OF THE FDCPA
(Steven E. Bratschie)

26. Plaintiff realleges and incorporates paragraphs 1-25 above as if fully set out herein.
27. At all times relevant, Bratschie – in the ordinary course of his business – regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
28. Bratschie is a "debt collector" under the FDCPA, 15 U.S.C. §1692a(6).
29. Bratschie's foregoing acts in attempting to collect this alleged debt against Plaintiff constitute violations of the FDCPA.
30. Plaintiff has suffered actual damages as a result of Bratschie's violations of the FDCPA.

COUNT FOUR: VIOLATION OF THE FDCPA
(Michele Born-Fischer)

31. Plaintiff realleges and incorporates paragraphs 1-30 above as if fully set out herein.
32. At all times relevant, Born-Fischer – in the ordinary course of her business – regularly

engaged in the practice of collecting debts on behalf of other individuals or entities.

33. Born-Fischer is a "debt collector" under the FDCPA, 15 U.S.C. §1692a(6).
34. Born-Fischer's foregoing acts in attempting to collect this alleged debt against Plaintiff constitute violations of the FDCPA.
35. Plaintiff has suffered actual damages as a result of Born-Fischer's violations of the FDCPA.

WHEREFORE, your Plaintiff demands judgment for actual, statutory and punitive damages against Defendants, jointly and severally, for attorney's fees and costs of this action, for pre-judgment and post-judgment interest at the legal rate, and such other relief the Court deems just, equitable and proper.

TRIAL BY JURY IS DEMANDED.

KEVIN BALSLEY

By: 

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